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In re application: Lang, et al.

Serial No.: 10/044,853

Filed: 11/07/2001

Group Art Unit: 3616

Examiner: Draper, Deann L.

For: VEHICLE SUSPENSION INCLUDING DOCK HEIGHT  
HOLDING DEVICE

REQUEST FOR RECONSIDERATION

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on March 24, 2004.

Applicant thanks the Examiner for the indication of allowable and allowed claims.

Applicant respectfully requests reconsideration of this application.

The rejection under 35 U.S.C. §102(b) of claims 1-4, 6, 7, 10-16 and 21 based upon *Pierce, et al.* should be withdrawn. The Examiner's interpretation of the *Pierce, et al.* reference ignores the express limitations of the claims regarding the jounce bumper portions each having a body with an axis near a center of the body. The coaxial alignment language in the claim would be meaningless if it did not require that the body axes be coaxially aligned. The Examiner's interpretation of the *Pierce, et al.* reference requires introducing a third axis, with which neither of the axis 1 or axis 2 is aligned.

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The claimed coaxial alignment of the jounce bumper portions requires that the two body axes be directly in line with each other. As the *Pierce, et al.* reference does not provide such an arrangement, but instead provides one where the bumpers are "off of center," there is no anticipation. Three non-aligned axes do not anticipate two coaxially aligned axes. Further, neither of the *Pierce* bumpers rotate about their own body axis.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claims 8 and 9 based upon *Pierce, et al.* As discussed above, there is no anticipation of claim 1 and, the proposed modification to *Pierce, et al.* would not result in the claimed invention of claims 8 and 9.

Applicant respectfully traverses the rejection of claims 18-21 under 35 U.S.C. §103 based upon *Charles*. There is no motivation for changing the express teachings of *Charles* to provide an elastomeric material in place of the rigid, non-compressible material of *Charles* because doing so provides no benefit in the *Charles* arrangement. Without any benefit to making a modification, there is no motivation and no *prima facie* case of obviousness. Such a modification can only be the result of improper hindsight reasoning.

Additionally, it appears that an issue in the *Charles* reference is specifically controlling the compression stroke at different steering angles. If one were to substitute an elastomeric piece for the rigid plate and pins of the *Charles* reference, that would eliminate the specific ability to control the reduction of the jounce stroke of the strut 12. Whenever a proposed modification does not provide any benefit or interferes with the ability of a disclosed arrangement to perform its intended function, such a modification cannot be made and there is no *prima facie* case of obviousness.

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Applicant respectfully submits that this case is in condition of allowance. If the Examiner believes that a telephone conference would facilitate moving this case forward to being issued, Applicant's representative is happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

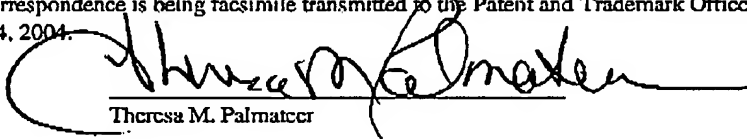
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Dated: May 24, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on May 24, 2004.

  
Theresa M. Palmatier

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